

AMENDED IN SENATE MARCH 27, 2001

SENATE BILL

No. 812

Introduced by Senator Sher

February 23, 2001

An act to amend Sections 4793, 4794, 4799.01, and 12260 of the Public Resources Code, relating to forest resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 812, as amended, Sher. Land management plans: Forest Stewardship Council.

(1) Under existing law, the Department of Forestry and Fire Protection is authorized to enter into agreements and make loans to improve the condition of forests. To be eligible to enter into an agreement or to receive a loan, existing law requires, among other things, a landowner to submit a long-term forest and land management plan for approval by the director. Existing law requires, among other things, a management plan to analyze the forest land conditions and capabilities, describe the landowner's management objectives, and describe forest resource improvement work.

This bill would revise the definition of "management plan" to include plans that provide the basis for an eligible landowner's forest land becoming certified as well managed ~~by a certification organization that is accredited by the Forest Stewardship Council~~ *pursuant to standards adopted by the State Board of Forestry*. The bill would require the Director of Forestry and Fire Protection, when entering into agreements and making loans to improve the condition of the forests, to give preference to activities and projects that implement or would achieve long-term management of forest land certified as being well managed ~~by a certification organization accredited by the Forest~~

~~Stewardship Council pursuant to standards adopted by the state board.~~
 The bill would also require the director, to consider, as an additional evaluative factor, when allocating available funds among proposed projects, whether the project would encourage, and be consistent with, the long-term management of forest land certified as being well managed by a certification organization that is accredited by the Forest Stewardship Council pursuant to standards adopted by the state board.

(2) Under the existing California Forest Legacy Program Act of 2000, until January 1, 2007, the department is authorized to acquire conservation easements of eligible private forest land according to specified selection criteria, including whether the landowner has developed a land management plan.

This bill would require the department to give preference to landowners who have developed a management plan certified as being well managed by a certification organization that is accredited by the Forest Stewardship Council pursuant to standards adopted by the state board.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 4793 of the Public Resources Code is
- 2 amended to read:
- 3 4793. As used in this chapter:
- 4 (a) “A county with high unemployment” means a county with
- 5 an annual unemployment rate, as reported by the Employment
- 6 Development Department, higher than the mean annual
- 7 unemployment rate of “rate adjustment counties” as defined
- 8 pursuant to the Timber Yield Tax Law (Part 18.5 (commencing
- 9 with Section 38101) of Division 2 of the Revenue and Taxation
- 10 Code).
- 11 (b) “Eligible landowner” means any person who meets the
- 12 conditions set forth in Sections 4797 and 4799. Where ownership
- 13 of forest land and timber is not held by the same person,
- 14 “landowner” means either the person or persons owning the land
- 15 or the person or persons owning the timber.
- 16 (c) “Fish and wildlife habitat improvements” means measures
- 17 designed to protect, maintain, or enhance fish and wildlife habitat
- 18 including, but not limited to, stream clearance, reestablishment of

desirable vegetation along stream channels and elsewhere, measures to encourage habitat diversity, restoration of anadromous fisheries, and forest road repair and upgrading that protect, maintain, or enhance fish and wildlife habitat.

(d) “Followup work” means forest resource improvement work necessary to promote the survival of seed or seedlings planted, or protection or enhancement of other work undertaken, as part of a prior forest resource improvement project pursuant to this chapter.

(e) “Forest land” means land at least 10 percent occupied by trees of any size that are native to California, including native oaks, or formerly having had that tree cover and not currently zoned for uses incompatible with forest resource management.

(f) “Forest land conservation measures” means measures designed to protect, maintain, or enhance the forest resource system, including soil and watershed values, diversity of forest species, and protection of a forest stand from fire. These measures include thinning, shaded fuel breaks, and other land treatments or forest resource improvement projects consistent with Section 4794.

(g) “Forest land with demonstrated potential for improved forest resource management” means forest land that could produce significantly greater forest resource benefits if forest resource improvement work was carried out and that is not managed for uses incompatible with forest resource management.

(h) “Forest resources” means those uses and values associated with forest land, including fish, forage, recreation and aesthetics, soils, timber, watershed, wilderness, and wildlife.

(i) “Forest resource system” means the interdependent system of air, water, solar energy, and forest resources, as defined by subdivision (h).

(j) “Forest resource improvement work” means the forest resource improvement measures enumerated in Section 4794 for which assistance is authorized pursuant to this chapter.

(k) “Forest resource improvement project” means a project undertaken pursuant to Section 4795 or a loan made pursuant to Section 4796.

(l) “Management plan” means a long-term forest and land management plan submitted to the director pursuant to Section 4799, including plans that provide the basis for an eligible

landowner's forest land becoming certified as well-managed by a certification organization that is accredited by the Forest Stewardship Council, pursuant to standards adopted by the board.

(m) "Person" includes:

(1) Any private individual, organization, partnership, limited liability company, or corporation.

(2) Except for the purposes of Section 4795 and subdivision (a) of Section 4796, any city, county, or district.

(n) "Prevailing rate" means the average annual rate earned by the state on moneys deposited in the Pooled Money Investment Account in the General Fund.

(o) "Reforestation" means planting of tree seedlings, cuttings, or seed.

(p) "Restocked" means stocking to the degree required by the Z'berg-Nejedly Forest Practice Act of 1973, Chapter 8 (commencing with Section 4511) of Part 2.

(q) "Small business entity" means a business enterprise, including a landowner, with five hundred thousand dollars (\$500,000) or less annual gross revenue.

(r) "Smaller nonindustrial landowners" means owners of 5,000 acres or less of forest land.

(s) "Uses incompatible with forest resource management" means uses not listed in subdivision (h) of Section 51104 or Section 51111 of the Government Code by the city or county in which the parcel subject to a forest resource improvement project lies.

(t) "Young growth stand improvement" means precommercial thinning or weeding of young growth stands to provide more growing space and release of young trees from competing vegetation.

SEC. 2. Section 4794 of the Public Resources Code is amended to read:

4794. (a) Agreements may be entered into and loans may be made by the director pursuant to this chapter for all of the purposes set forth below. The director shall give preference to those activities and projects that implement or would achieve long-term management of forest land certified as being well-managed by a certification organization accredited by the Forest Stewardship Council, pursuant to standards adopted by the board.

(1) Preparation of management plans for forest land.

- 1 (2) Site preparation.
- 2 (3) Planting and costs of seeds and seedlings.
- 3 (4) Young growth stand improvement.
- 4 (5) Forest land conservation measures.
- 5 (6) Fish and wildlife habitat improvement.
- 6 (7) Followup work.

7 Consistent with this section, the director shall prepare, and
8 submit to the board for its review and approval, guidelines further
9 specifying the scope of forest resource improvement work for
10 which agreements may be entered into or loans made pursuant to
11 this chapter.

12 (b) Proposed forest resource improvement projects may
13 combine work described in paragraphs (1) to (7), inclusive, of
14 subdivision (a). Projects shall include work described in
15 paragraphs (1) to (7), inclusive, of subdivision (a) to be eligible for
16 a cost-sharing agreement signed pursuant to Section 4795 or a loan
17 made pursuant to Section 4796.

18 (c) Projects for forest resource improvement subsequent to
19 harvesting subject to the Z'berg-Nejedly Forest Practice Act of
20 1973, Chapter 8 (commencing with Section 4511) of Part 2, shall
21 not be eligible for agreements executed pursuant to Section 4795
22 or loans made pursuant to Section 4796 of this chapter unless
23 either of the following occur:

24 (1) The land has been restocked and the established forest
25 growth has subsequently been adversely affected by fire, wind,
26 flood, insects, disease, or other natural causes.

27 (2) The work to be undertaken is not otherwise required to be
28 carried out pursuant to the Z'berg-Nejedly Forest Practice Act of
29 1973, Chapter 8 (commencing with Section 4511) of Part 2.

30 SEC. 3. Section 4799.01 of the Public Resources Code is
31 amended to read:

32 4799.01. (a) When allocating available funds among projects
33 proposed pursuant to this chapter, the director shall select those
34 projects that, in the judgment of the director, produce the greatest
35 public benefit, giving consideration to the following factors:

36 (1) The need for and potential benefits of forest resource
37 establishment or improvement were the project to be undertaken.

38 (2) The need for and potential benefits to long-term
39 production, maintenance, and enhancement of the forest resource

1 system resulting from forest land conservation measures, fish and
2 wildlife habitat improvements, or other work.

3 (3) The project would encourage, and be consistent with, the
4 long-term management of forest land certified as being
5 well-managed ~~by a certification organization that is accredited by~~
6 ~~the Forest Stewardship Council.~~ *pursuant to standards adopted by*
7 *the board.*

8 (b) The director shall give increased preference to projects to
9 the extent that the project applies to forest land that has been
10 substantially damaged by fire, flood, insects, disease, or other
11 natural causes within 36 months of submission of an application
12 pursuant to this chapter.

13 (c) The director shall also give preference to projects to the
14 extent that each of the following factors are present:

15 (1) The project involves a substantial amount of followup
16 work.

17 (2) The project or other actions of the landowner would
18 increase recreational opportunities for the public.

19 (3) The forest land to which the project applies is equivalent to
20 site quality III or better.

21 (4) The project would provide relatively more employment
22 opportunities than other proposed projects.

23 (5) The project is located in a county with high unemployment.

24 (6) A small business entity will carry out the proposed project.

25 (d) Consistent with the criteria set forth in subdivisions (a), (b),
26 and (c), the director shall prepare and submit to the board proposed
27 guidelines further specifying the criteria for evaluation and
28 approval of forest resource improvement projects. The board shall
29 review, approve, or amend the guidelines that the director shall
30 follow when carrying out this chapter.

31 (e) The director shall establish, in consultation with interested
32 persons or agencies and with the review and approval of the board,
33 procedures for the review of proposed forest resource
34 improvement projects. Those procedures shall insure that
35 department specialists and other specialists in the areas of water
36 quality, erosion control, and fish and wildlife protection are
37 integrated into the review of proposed forest resource
38 improvement projects.

39 (f) No allocation of funds pursuant to this chapter shall, in any
40 fiscal year, exceed the total amount expended during the

1 1999–2000 fiscal year until the completion, review, and final
2 approval by the board of an updated management plan for the
3 Jackson Demonstration State Forest that complies with applicable
4 state and federal law.

5 SEC. 4. Section 12260 of the Public Resources Code is
6 amended to read:

7 12260. If the department determines that the proposed
8 conservation easement meets the eligibility criteria set forth in
9 Section 12251, the application shall be reviewed based upon the
10 extent to which it satisfies the following selection criteria:

11 (a) The nature of the environmental values proposed for
12 protection, and whether they can be monitored efficiently and
13 effectively.

14 (b) Whether the parcels are likely to become isolated from
15 other areas maintained for key forest resources by development on
16 adjacent parcels.

17 (c) Whether the landowner's management goal for his or her
18 parcel is compatible with the resource protections he or she is
19 proposing.

20 (d) Whether the landowner has developed, or commits to
21 developing by the time the easement is finalized, a management
22 plan equivalent to, or better than, a forest stewardship plan that
23 governs management on the parcel. For purposes of this
24 subdivision, *if the easement has a significant timber production*
25 *component* the department shall give preference to landowners
26 who have developed a management plan certified as being
27 well-managed ~~by a certification organization that is accredited by~~
28 ~~the Forest Stewardship Council.~~ *pursuant to standards adopted by*
29 *the board.*

30 (e) Whether a nonprofit land trust organization, public agency,
31 or other suitable organization has expressed an interest in working
32 with the department and the landowner to establish, hold, and
33 monitor the easement.

34 (f) Whether other sources of funding for easement acquisition,
35 closing costs monitoring, and other costs, are available.

36 (g) Other relevant considerations established by the director.